

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

\* \* \* \* \*

Darla Garvey,

Plaintiff,

vs.

ORDER ADOPTING  
REPORT AND RECOMMENDATION

United States Postal Service,

Defendant.

Civ. No. 10-3602 (PJS/LIB)

\* \* \* \* \*

Based upon the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois, and after an independent review of the files, records and proceedings in the above-entitled matter, **IT IS ORDERED:**

1. Defendant's motion to dismiss [Docket No. 11] be GRANTED;
2. That this action be **DISMISSED** without prejudice, for lack of subject matter jurisdiction.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: 12/30/10

s/Patrick J. Schiltz  
Patrick J. Schiltz  
United States District Judge